



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,277	01/15/2001	Yehuda Cohen	MS-678	2657

7590 01/30/2006
Bernard Malina
Bernard Malina, Esq.
Malina & Wolson
60 East 42nd Street
New York, NY 10165-0501

EXAMINER

HUSBAND, SARAH E

ART UNIT PAPER NUMBER

1746

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/760,277		COHEN, YEHUDA	
	Examiner		Art Unit	
	Sarah E. Husband		1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1-13, drawn to a method, classified in class 8, subclass 158.
- II. Claim 14, drawn to a method, classified in class 68, subclass 235R.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method can be practiced by another materially different apparatus such as one without a zipper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Bernard Malina on January 19, 2006, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claim 14 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The disclosure is objected to because of the following informalities: Applicant refers to US Patent No. 4,010,784 (Patik) on the first page of the specification and it should be US Patent No. 4,010,785 (Patik). The '784 patent does not belong to Patik.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 8 contains the trademark/trade name VELCRO. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fastener and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Segol (US Patent No. 4,485,494).

Segol discloses a garment and a method of cleaning the garment. Segol discloses washing a 4-cornered garment by putting the tzitzioth (tzitzis) (42) or a portion of the garment in a bag (pouch) (55) formed of a porous laundry bag material (open-mesh material) having opposite first and second ends with the first end having an openable mouth and fastening connector (56, 57). Segol further discloses washing in a laundering machine and therefore inherently removing the items from the machine and the immersion. Segol also discloses that the bag is separable from the garment (col. 3, ll. 58-61). Segal also discloses the fringes twisted with a series of knots (Fig. 1, 2, Item 42) and the connector could be a hook and loop fastener (col. 3, ll. 50-56; see entire document as well). Segol also discloses the corners of the garment having holes to attach the tzitzis (41; col. 3, ll. 19).

Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucia (US Patent No. 5,961,716).

Lucia discloses a bag for cleaning garments and a method of inserting the garment in the bag, cleaning with various cleaning compositions, tumbling in a dryer (dry cleaning) and removing the garment from the machine and bag (col. 3, ll. 3-15). Although Lucia does not specifically describe the portion of clothing inserted into the bag, portion would also describe a whole portion and would therefore read on the claimed invention. Lucia also discloses the solution can be aqueous with surfactant or non-aqueous (col. 5, ll. 50-60). Lucia further discloses the fastening means can be a string, hook and loop fastener, button or clip (col. 3, 50-65) and also restricts the size of the mouth of the pouch (Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segol in view of Lucia.

Segol discloses the method shown above in the first 102(b) rejection. Segol does not specifically disclose using a bag with a drawstring. However, Lucia does disclose using a bag with a drawstring to hold laundry items (col. 3, ll.62-65). At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Segol with Lucia for the benefit of a tight attachment to the garment.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucia.

Lucia discloses the method shown above in the 102(b) rejection. Although Lucia does not specifically describe a zipper or slit traversing the elongate structure beginning from the first end to at least partially the second end, Lucia does describe that the opening can be located elsewhere on the bag and also can have the use of one or more of the fastening means including a drawstring and/or zipper or slit which would be present in many of the different fastener types (col. 3, ll. 50-67) and therefore it would be obvious to move the opening and use any of theses closure means in combination with another.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucia in view of Wilkinson (US Patent No. 5,789,505).

Lucia discloses the apparatus shown above in the 102(b) rejection. Lucia does not specifically disclose the method of cleaning using trichloroethylene or supercritical carbon dioxide. Wilkinson discloses uses both of these fluids in dry cleaning (col. 2, ll. 44-60). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the process shown by Lucia with Wilkinson for the benefit of better cleaning provided by these chemicals.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not referred to are Voss (US 850697), Davis (US 5681355), Telesca (US 6024767), Dawson (US 6174848), Frisch (US 6726362), Wattiez (US 4494264), Martinon (US 4388739), Vadnais (US 2225089), Guerra (US 6224259), and Tsuyoshi (US 4974967), who disclose different types of laundry bags and methods of cleaning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Michael Barr', with a long horizontal flourish extending to the right.